

APPEAL NO. 041638
FILED AUGUST 13, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 et seq. (1989 Act). A contested case hearing was held on June 21, 2004. The hearing officer determined that the compensable injury of _____, extends to and includes the diagnoses of disc bulge at L4-5 and at L5-S1, but not the diagnoses of degenerative changes at L4-5 and L5-S1 or herniated disc at L5-S1. The hearing officer also determined that appellant (claimant) did not establish good cause for failing to submit to the required medical examination (RME) of January 31, 2004, and that claimant is not entitled to temporary income benefits (TIBs) from March 15 through April 24, 2004. Claimant appealed only the adverse determinations regarding extent of injury, citing evidentiary sufficiency grounds and urged the Appeals Panel to reverse the decision in "reference to the denied conditions." Respondent (carrier) responded, urging affirmance. The determination that there was no good cause for failure to attend the RME appointment and the TIBs determination were not appealed and have become final. Section 410.169.

DECISION

We affirm.

The hearing officer did not err in determining that claimant's compensable injury does not extend to and include the diagnoses of degenerative changes at L4-5 and L5-S1 or a herniated disc at L5-S1. Conflicting evidence was presented on the disputed issues. Extent of injury is a question of fact for the hearing officer to resolve. It was for the hearing officer to consider the evidence and determine what facts have been established. Nothing in our review of the record indicates that the hearing officer's determination regarding extent of injury is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge